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"THE NEW AGE OF POLITICAL REFORM": LOOKING BACK*

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I. "THE NEW AGE OF POLITICAL REFORM"

In 1968, my late colleague and friend, Alexander Bickel, wrote of "The New Age of Political Reform."¹ Alex favored reform. He warned that "the institutions of a secular, democratic government [are] . . . mysteries"² and that "the sudden abandonment of [such] institutions . . . reverberates in ways no one can predict."³ We do well, he concluded, to remain attached "to institutions that are often the products more of accident than of design. . . ."⁴

At the time Alex wrote, our political system was beset by criticism bordering on denunciation. Some were suggesting that violent change was the alternative to reform. Proposals for reform engulfed us. Many of those proposals now govern the organization of our politics. Reapportionment and its accompanying slogan of "one person, one vote" was then beginning to take hold. The wholesale "opening up" of our political parties through caucuses and primaries was under consideration, as was abolition of the unit rule at

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¹ A. BICKEL, *THE NEW AGE OF POLITICAL REFORM* (1968).

² *Id.* at 2.

³ *Id.* at 3.

⁴ *Id.*

national party conventions and a loosening of restrictions on voting registration and party affiliation. Campaigns for federal office were to be subjected to a complex regulatory code governing campaign financing. Other calls for reform failed, thus far, at least. Direct election has not replaced the electoral college, Congress has not imposed statutory conditions upon those engaged in lobbying, voter registration by postcard is not federal law, the direct presidential primary remains a proposal, much of the campaign primary regulation has been found to violate the first amendment, and public financing of congressional political campaigns has failed to pass the Congress.

When Alex called this age of political reform "new," he meant to contrast it, of course, with the Progressive Era at the turn of the century, which gave us women's suffrage, direct election of the Senate, the party primary, the popular initiative, recall, and referendum. The Progressives demonstrated that reform can be both necessary and dangerous. History surely has validated both women's suffrage and popular election of Senators. But, as Bickel wrote, "defeat and mockery . . . were the partial result of the direct primary, and certainly of the referendum, the initiative, and the recall, which turned into tools of minority pressure"⁵ He correctly predicted that from the first accomplished reform of the "new" age, reapportionment, "defeated expectations and unwanted consequences" would follow.⁶

To summarize, the impact of the "new" age of political reform has been wider and deeper than that of the Progressive Era and has led to "defeated expectations and unwanted consequences" that would have astonished even so skeptical an observer as Alex Bickel. It has impacted upon our political parties with a destructiveness that even now is difficult to comprehend. Political candidacies increasingly rely upon personal organizations and personal campaign styles. The method of selecting major party presidential nominees is so silly that much of the primary and caucus season resembles nothing so much as a television game show. Single issue movements increasingly affect electoral decisions while self-appointed and unaccountable issue organizations play a major role in setting the political agenda. The result, I believe, has been a major

⁵ *Id.*

⁶ *Id.*

increase in the volatility and instability of our politics and a decrease in the moderation and responsiveness of the political process. As a consequence, our capacity for self-government has been impaired.

The magnitude of the impact has been affected both by a variety of demographic factors, which have increased the size and power of the politically active middle and upper-middle class, and by the development of new technology, which greatly facilitates the practice of the new politics and has magnified the impact of reform.

II. THE EVOLVED MADISONIAN SYSTEM

The destructiveness of the new age of political reform cannot be fully appreciated without understanding the philosophy underlying the system it was intended to change, which I shall call the evolved Madisonian system. Here I must add the caveat that it is the theory of American constitutionalism of which I speak. That practice deviates from theory in numerous, important, and oftentimes quite undesirable ways is, of course, true. But the reformers make no claim to be improving the practice of our democracy within the confines of Madisonian theory. Rather, they assault the theory itself.

It should also be understood that by "constitutionalism" I mean not only the law of the written Constitution, but also the evolved traditions, practices, and institutions that have served as the (small "c") constitutional framework of our politics.

Most of this is well-known to you. The scheme of the written Constitution was one of checks and balances. State governments were to wield significant power while the federal government was organized into separate executive, legislative, and judicial branches.

This scheme, according to Madison, was designed to insure that "[w]hilst all authority . . . [is] derived from and dependent on the society,"⁷ protection against such majorities might be afforded either by creating a supreme hereditary or self-appointed authority, a plain risk to minorities and majorities alike, or by breaking "the society itself . . . into so many parts, interests and classes of citizens, that the rights of individuals, or of the minority, will be in

⁷ THE FEDERALIST No. 51 (J. Madison).

little danger from interested combinations of the majority."⁸

Madison's defenses against the tyranny of the majority are, therefore, twofold. First, by lodging legal authority in separate branches, "[a]mbition [is] . . . made to counteract ambition."⁹ Powerful persons will not lightly exercise their prerogatives at the behest of others, or, at least, so Madison hoped. Second, each political branch represents different constituencies and holds different terms of office with the result that, in a socially, economically, and politically diverse nation, each branch generally has a distinct political outlook. The President, with a four-year term, must win a majority of electoral votes cast by state delegations under a unit rule, winner-take-all system. This tends to exaggerate, beyond their numerical proportion of the voting population, the power of majorities in the large states. Members of the House of Representatives run every two years in winner-take-all districts within states. Senators hold six-year terms and are elected at large within states, each state having equal representation. Congressmen thus represent differing local majorities and each house has its distinct political complexion, while the Presidency reflects a national constituency generally tilted toward majorities in large states.

The franchise, of course, plays an important role in the evolved Madisonian system. All competent groups must be accorded the same voting rights accorded other competent groups. I choose this convoluted formulation because the Madisonian system in no way depends on universal suffrage or even direct majority selection of representatives in every political branch. The creation of competing centers of power representing differing constituencies requires the development of constitutional institutions and traditions designed to provide a measure of continuity and to moderate the demands of member groups. The result was in accord with Madison's vision, but also, for reasons that he did not foresee, it is a testament to what Alex Bickel called the "mysteries" of democratic rule.

The most important constitutional institution (in a small "c" sense) is, of course, the political party, while the most important tradition is a competitive two-party system.

For parties, winning elections is the principal goal. A party seek-

⁸ *Id.*

⁹ *Id.*

ing to play a “spoiler” role may create incentives for major parties to “tilt” in a particular direction, but it also runs the risk of a complete wipe-out. Where the political party is concerned, there is generally no substitute for victory. As a consequence, electoral laws can mightily affect the structure of party competition by the terms they set for victory.

Under proportional representation, victory is subdivided, as it were. A political party of any significant strength can offer its adherents a measure of victory in legislative representation of certified ideological purity. The incentives toward a multiparty system are thus great.

Under single-member, winner-take-all districts, only the candidate with the largest number of votes is elected and victory cannot be subdivided. The consequence, of course, is the creation of incentives for pre-election coalitions behind two candidates, which, while they may blur ideological distinctions of importance to some, offer the chance to be part of a victorious combination. Because virtually all senators, representatives, governors, and state legislators are elected by this method, the incentives for those active in the political process to join one of the two largest parties is considerable, as is the diminishing appeal of third parties. The electoral college generates similar incentives, for the candidate with the largest number of votes in a state gets 100% of its electoral votes.

Other little-known electoral laws are important in maintaining the two-party system. In most states, a person cannot run as the candidate of more than one political party. Where this is not the case, the ability to run a major-party candidate on a minor-party ticket increases the minor party's power because it offers the affirmative option of directly supporting major-party nominees in addition to the negative role of attracting votes away from them. It also offers minor-party adherents a chance of victory for a party-endorsed candidate. Where local law allows candidates to run on more than a single party line, as in New York, permanent minor parties may appear.

The parties themselves, in the theory of the evolved Madisonian system, are private groups managed and operated largely by persons active within the organization — party leaders and workers, as they have come to be called. Nominations are largely within their control through local caucuses or conventions, at which representation is largely restricted to the party establishment. These

leaders and workers thus have a personal stake in the party organization and its electoral success—incentives that insure a working political organization at the grass roots level. In a two-party system, these incentives also tend to insure that party leaders, in order to compete with their adversary, will seek the broadest feasible coalition. Competition will tend to force them to appeal to any group that might be attracted and that does not alienate other significant groups. They will also have an incentive to select as the party nominee the candidate perceived to have the best chance of victory in the general election.

Nominees and successful candidates are necessarily beholden to the party and those who control it. Quite apart from the fact that the nomination is a *sine qua non*, electoral victory may well depend upon the organizational support of party workers and upon financing provided by the party. The degree to which candidates are beholden depends, of course, upon the party's contribution to victory, for the bottom line is still how many votes are cast for the candidate.

The party's importance in this regard, in turn, depends upon the formal political acts of platform adoption, campaign promises, voter registration, and get-out-the vote drives. It also depends upon the party's relation to a multitude of groups that affect our politics. The national labor unions, trade associations, and the like, of course, come to mind. But also to be taken into account are groups organized for wholly nonpolitical purposes, but which often affect the political affiliation, outlook, or activities of some or all of their members. Any place where people regularly gather almost automatically becomes a *locus* for potential political activity. Churches are only the most obvious example. Civic clubs, neighborhood associations, university alumni meetings, garden clubs, ethnic associations, booster clubs, all kinds of professional organizations, bowling leagues, etc., are all potential *loci* of activities that may affect our politics at one level or another. I live in a town, for example, in which a third party ran a full slate of candidates in a recent election. The third party was formed as a result of activities in the little league.

American politics and American political parties thus involve a massive network of interconnected, overlapping groups, large and small, local, regional, and national, organized for economic, spiritual, recreational, professional, social, or educational purposes. The

relationships are complex, subtle, and perhaps indescribable. Members of such groups are invited to become party workers while party workers become members. All serve as channels of communication between the groups and the party. The overlapping membership of groups, and of groups and political parties, also gives party workers contact both with independents and with the opposition. What is clear, I think, is that parties must bid for the favor of groups that do not have clear and intensely desired political goals. The parties need these groups more than the groups need the parties. Other groups do have intensely felt political goals, however, and they need the parties as much as the parties need them. This, I believe, is a mighty force for moderation because party support for groups with defined political goals may be conditioned upon the groups' tailoring their claims so as not to alienate less politically concerned persons.

The consequences of this complex process are that competitive parties in a two-party system will move toward each other as party leaders seek a coalition that will produce majorities. Candidates will be people with whom party leaders feel comfortable and whom they believe have the best chance of victory. If the groups within the particular political unit are highly varied, sharp ideological stances are likely to be avoided, as are candidates that have attracted the animosity of a particular group, for a party seeking victory cannot afford to alienate any significant group unless, of course, that alienation is prized by an even larger group. The coalitions thus formed, moreover, are rarely temporary or *ad hoc*, for a measure of continuity is valuable to a competitive political party, just as a brand name provides good will for a manufacturer. A favorable identification among certain groups greatly reduces a party's costs in rallying the electorate and provides it a political base from which it can expand. Were political parties to begin coalition building anew before every election, a tendency toward political anarchy and voter confusion would result, as would an increase in the importance of personality, gimmicks, and demagoguery in electoral contests. A competitive two-party system mitigates against this by creating pressures toward broad but relatively stable coalitions.

The role of third parties in such a system is of considerable importance. If significant groups are excluded from major-party coalitions, either because they are outside the mainstream of contempo-

rary politics or because the major parties respond too slowly to changes in the public mood, the third-party route offers the possibility of a demonstration of political strength.

Under the evolved Madisonian system, then, political parties perform several critical overlapping functions, most of which were unforeseen by Madison. First, they create an organizational framework for our politics. An election without parties would simply be anarchic. Parties set a political agenda and provide viable candidates in small numbers.

Second, a two-party system provides stability by encouraging pre-election coalitions that also serve as the nucleus for future coalitions. In multiparty systems, coalitions are normally formed for run-off elections or in the process of forming a parliamentary government. Because the leaders of parties in such a system have a strong interest in maintaining a separate organizational identity, and because the *raison d'être* for some of the parties will be to press without compromise particularized ideological claims, coalitions in multiparty systems will tend to be *ad hoc*, unstable, and frequently hostage to the extreme claims of small groups.

Third, the two-party system accomplishes in large part what Madison foresaw as the consequence of pluralism, namely, a measure of protection for political minorities. As Richard Hofstadter has noted, what Madison hoped to achieve through pluralism among many factions has been achieved through pluralism within two parties. The protection afforded minority interests comes, of course, from the moderation produced by coalitions formed by the major parties. Because the aim of those putting the coalition together is electoral victory, groups hoping to share in that victory must moderate their more extreme demands so that contribution is not offset by losses among other groups.

Fourth, the coalitions formed by the parties provide a mechanism to govern in the periods between elections. Office holders owe their position in some measure to a state or national party, and the process of governing is a quite natural extension of pre-election coalition building. The continual formation, disintegration, and reformation of coalitions during interim periods, which occurs so often in multiparty parliamentary systems, is avoided. What does occur is that the separation of powers between branches, with each branch elected by a distinctive constituency, necessarily reduces, but does not eliminate, the role of party in governing, as the Re-

publican-Southern Democratic congressional coalition demonstrates. One should not overestimate the lack of national-party influence, however, since responsiveness to particular state parties does not necessarily lead to responsiveness to the national coalition that elects the President.

Fifth, viewed in an overall perspective, the parties perform a crucial democratizing function. Democracy requires votes, but votes do not necessarily lead to democratic rule. In most elections or referenda, voters are not permitted to express the full range of their opinions. A referendum proposition is voted up or down while hundreds of reasonable intermediate positions are ignored. In legislative bodies, it is well known that the order in which proposals are voted upon is as determinative of the outcome as any other factor. And in elections, voters can register only their first choice among the candidates offered, their second and third choices being unknown, whether they are on the ballot or not. Nor do votes measure the intensity of feeling, a factor important to generating consent within the system. In nominating candidates and in setting the political agenda, parties perform the critical function of measuring and acting in politically meaningful ways upon second, third, and fourth choices, as well as intensities of feelings. This is not done with mathematical precision. Indeed, it cannot be, and for that reason an institution like a political party is necessary to insure that the most cogent choices, in terms of the full range of public opinion, are offered in elections.

That, then, is the evolved Madisonian system. It is, of course, an idealized version, but nothing so excites the professorial mind as the quest for ever more accurate descriptions of things that do not exist.

In practice, the American political system has contained many of the elements of the evolved Madisonian system. In some regions, the two have come very close in practice. In others, any resemblance has been difficult to discern.

I need not describe in any detail the deliberate destruction of a competitive party system in the South through the use of the primary, which prevented losing candidates from running in the general election, the disfranchisement of blacks so that no political group would be tempted to look to them for coalition building purposes, the disfranchisement through a variety of devices of many whites who did not belong to the dominant faction of the Demo-

cratic Party, and the use of malapportionment to preserve the incumbency of that faction. The result was an unstructured politics, heavily concentrated on individual candidates, prone to extremism and demagoguery.

The failure, I would argue, was not a failure of the evolved Madisonian system but rather a failure to use it. No matter, however, for the advent of the new age of political reform signaled not the further evolution of the Madisonian system, but its destruction.

III. THE REFORM MOVEMENT AND ITS ALLIES

The reformers who assaulted the Madisonian system have roots in American history and in American political rhetoric. They were the leaders of the Progressive Movement and their language is in the language of high school civics classes.

To them the citizen is a person of good will who decides political questions on the merits alone, and only after study and deliberation. Whereas Madison extolled pluralism and the conflict between competing groups, a leading reform organization calls itself "Common Cause." To reformers, the Madisonian system is little more than an intricate set of rules and institutions designed to put impediments in the citizen's quest of good government. Because the parties are more interested in winning than in debating issues, the public is not adequately informed, and issue-oriented candidates are cast aside for those who survive by never taking stands on public questions. Thus, it is believed that: campaigns rely too heavily upon media advertising and not enough on "real" discussions of the issues; because parties are "boss run," the rank and file of a party has little to say about the nominees of that party, a case of minority rule; and, the minorities that rule the parties are usually selfish economic interests hoping to live off a public that is powerless to drive them from our politics.

Because giving direct power to the citizen is a centerpiece of such a movement, the menu of reforms is aimed in part at the destruction of the power of intermediary groups such as party organizations or special interest groups.

For the most part, these reforms are described as increasing the majoritarian aspects of our political process. One ought not assume, however, that majoritarianism is the linchpin of the movement. The reformers are also part of a more general political move-

ment with goals and interests of its own, which may outweigh majoritarian values. For example, those who press most urgently for political reform also generally mistrust the voter's ability to resist campaign advertising, and favor limitations on campaign expenditures. The reformers tend to be well-educated, middle or upper-middle class individuals who are political activists. They belong to or support a variety of issue organizations that press causes such as the consumerist or environmentalist movements. One ought to expect their menu of reforms to favor measures that increase the power of political activists and issue organizations. One ought also to expect that other groups will benefit from reform. Reform groups need allies to pass legislation, including the much-maligned special interests, and those allies can be expected to protect themselves. Reform of campaign financing, for example, has always had organized labor's support. Moreover, the impact of political reform is not easily predicted. Many, for example, have been surprised by the fact that the campaign finance laws have been a boon to the New Right.

This age of political reform had differed from the Progressive Era in that its agenda is more pervasive and its accomplishments more permanent. This is so for two reasons. First, the increase in numbers of college-educated persons has meant an increase in the pool of recruits for reform groups. Education almost always diminishes the individual's need for intermediary organizations, increases political awareness, and creates disdain for fuzziness in political outlook. University faculties, moreover, frequently have an outlook similar to that of the reformers, and that outlook is transferred to students.

Second, technological developments such as televisions and computers and the increasing sophistication of polling techniques have operated in conjunction with political reform to revolutionize political method.

IV. THE REFORMED POLITICAL SYSTEM

The combined effect of the new political reform and the new technology has been drastic. While reapportionment undoubtedly has had many quite beneficial effects, it is also a source of systematic gerrymandering that allows post-census legislators to rule by dead hand for a decade.

More critically, the competitive two-party system has been seri-

ously, perhaps fatally, impaired by "party reform." The influence of party leaders upon the nomination process has been weakened, and the activities of party workers as intermediaries between the public and the party have declined. Party nominees are increasingly chosen by a process that bypasses the party organization and that decidedly does not entail a professional judgment as to which candidate is most likely to win in a competitive general election. Party nominating mechanisms have been opened to persons whose vote in party caucuses or primaries is their sole act as a party adherent. In New Haven, Yale students lined up to register as Republicans last spring. Many explained in acute embarrassment to the registrar that only by so debasing themselves could they vote for Congressman Anderson. In other states, even that act is unnecessary to vote in a party primary.

The decline of party influence is also partly due to campaign laws that both limit what parties can raise and spend on behalf of candidates and force candidates to centralize their campaign activities under a separate candidate-operated committee. Candidates necessarily view themselves as independent from the party. The weakening process feeds on itself. Party workers let up or even disappear as they feel a diminishing of their influence. Candidates see the party withering away and rely even less upon it.

As the role of parties has declined, the role of individual candidates has increased enormously. Indeed, the nation has turned more to the model of the one-party South than the other way around. Technology has made this possible by enabling candidates to appeal directly to the public through television and computerized mailing lists, while sophisticated polling techniques allow candidates to gather information about the public mood while bypassing the party. But a mighty push in this direction came both from opening up the nominating process and from campaign finance laws, which give enormous advantages to candidates with independent fund-raising capabilities. Senator Helms, for example, reportedly has a fund-raising organization that makes him virtually independent of the Republican party. The Federal Election Campaign Act, moreover, has institutionalized a process by which ideological groups such as NCPAC, and other interests such as unions or corporations, bypass the party and give help directly to candidates. Candidates must increasingly view the party organization as irrelevant.

Although the reforms were designed to showcase issues, the result has been emphasized personality. Nothing demonstrates this more than talk of a serious "independent candidacy"—notice that the term "third party" is rarely used—by Congressman Anderson. Not long ago he was at best slightly better than unknown. Now he commands something of a national constituency. He does not represent a movement in the traditional sense. His political positions have not been particularly stable over time and, while he is now mildly liberal, he can hardly be said to represent views that are not found elsewhere. Indeed, according to one poll, Wisconsin voters who cast their ballots for Anderson had as their second choice President Carter.

This rise in personality is matched by a decline in rationality and structure in our politics. In a rational system, the pool of serious presidential candidates would be comprised almost exclusively of persons holding high political office. In our present system, it appears to be almost a detriment to hold any office other than the Presidency itself. Many advantages, in fact, accrue to candidates who do not work. Without debating the presidential qualities of either gentleman, it can fairly be said that Jimmy Carter and George Bush at the time of their announcements seemed about as likely presidential material as perhaps fifty other members of their respective parties, while Governor Reagan's absence from public office for the past six years would in most political systems be a handicap. We have constructed a presidential nominating system that allows a virtual unknown to shine like a supernova in our political universe on the basis of a single caucus or primary while years of experience in national politics produce barely a twinkle.

In truth, the process is so dependent on the media that it has almost become a television game show. The contestants, some of whom are invited celebrities while others are virtually chosen from the audience, seek the attention of the master of ceremonies—TV—who decides what the questions are and which contestant is leading, subject to being overruled by the audience, which, of course, is given hints as to when to spring a surprise. Poor old Bush correctly perceived that the early issue for the media was "momentum," but was startled when television began to report that he was talking about that instead of the issues. Senator Kennedy's inarticulate style was a big media issue for a while—even to the point of one network emphasizing the startling news that he

delivered his Georgetown speech from a teleprompter. Had we had television in 1863, the big news from Gettysburg would have been that the President could not deliver even a very short speech extemporaneously, but had to read it from the back of an envelope. Other candidates were luckier. Congressman Anderson was treated by the networks as a serious contender for the Republican nomination for coming in second in two primaries—he never came in first—although he was not on the ballot in the South or even in large northern states such as New York and Pennsylvania. At the time of his most concentrated media coverage, a New York Times Poll showed him to be favored by five percent of Republicans.

It is not television but the nominating system which is at fault. Television is a business and dull news doesn't sell. Moreover, a politics of personalities lends itself to volatility and to hype. Under the older system, party caucuses were not open to anyone who chose to attend. The primaries were limited in number and were largely a testing ground for party professionals to judge a candidate's potential for national appeal. The choice made was an informed one, made by professionals after deliberation. What has replaced it is a complex of irrationalities in which all kinds of irrelevant factors play a role. Moreover, decisive steps are taken at far too early a stage. Both the primary laws and the difficulty in raising money under the campaign finance laws make it virtually impossible for a candidate to enter the contest after January 1 of the election year. Even Gerald Ford's political base was not enough to allow him to become a viable candidate as early as March of this year. In the Democratic party, moreover, the absence of the unit rule makes it difficult to adjust to events. President Carter's early lead in the wake of the Iranian and Afghan crises clinched the nomination although his public standing sharply deteriorated well before the convention in New York. Or it may incite a crisis in which democratically elected delegates attempt to ignore their pledges to vote.

Our politics are also exhibiting an increasing lack of moderation. One hears constant concern over the rise of single-issue groups pressing their claims upon candidates. What else would one expect, however, from a system that subjects strategic points in the political process to direct control by small numbers of issue activists? The campaign finance laws, the open nominating process, and the lack of party organization encourage, not to say force, candidates

to attend to the wants of small cohesive groups. In New York, for example, the fourth largest party is the Right to Life party, which now attracts more votes than the Liberal party. Moreover, the deceased Mr. Jim Jones, lately of Guyana, had a drawerful of laudatory mail from prominent Democrats who could not afford to ignore a group of that size in California. A working two-party system would either ignore such groups or force them to moderate their more extreme claims. An "open" system allows them to go directly to candidates and press for all they can get.

Issue organizations based in Washington also have taken over much of the role of parties in setting the political agenda. These groups have proliferated in recent years, partly as a consequence of the vacuum created by the decline of parties, and partly because television coverage of their news conferences and congressional testimony, as well as direct mail techniques, allow them to operate as independent political forces. I am less sanguine than many about their effect on our politics. The people who run them have a strong incentive to press their particular issues without regard to competing values and to exploit raw emotion. Cries for product safety regulation rarely spare gory details, while opposition to the Panama Canal Treaty did not lack the prediction of dire consequences. Their dependence on the media and direct mail forces them to capsule their message in true Madison Avenue fashion rather than to contribute to a sophisticated discussion of the issues. Issue organizations, too, engage in coalition politics, but on an *ad hoc* basis and with individual office holders. Moreover, these organizations are run in a far less democratic fashion than our parties ever were—so far as one can tell, they are accountable to no one but the media. Some of the more famous ones, moreover, which are said to raise very substantial funds, reveal neither the sources of their financing nor how they use that money. I expect that these groups will, over time, further diminish the moderating forces in the political process.

The reformed political process is, I believe, less democratic than the Madisonian system. Earlier, I mentioned that a critical function of parties was to register second and third choices. The reforms have simply eliminated that function. Consider an early primary in which six candidates run. Candidate A, let us say, has an enthusiastic following of ideologues but no other support. B has a gimmick that is sufficiently novel to attract a similarly sized group.

C and *D* are established political figures who are more moderate in position and more traditional in campaign method. *E* and *F* are also political figures, less well-known nationally, but with some support in this state. The outcome is *A* with 27%, *B* with 26%, *C* and *D* 15% each, while *E* and *F* get 8½% each. Assume further, and this is not implausible, that *C* and *D* are fully acceptable and virtually everyone's second and third choice, while *A* is unacceptable to a large group, *B*'s support is transitory, and *E* and *F* attract general indifference.

In those circumstances, either *C* or *D* ought to be the eventual nominee. Under the present system, however, all the media attention, and much of the political money, go to *A* and *B*, who, if they can repeat their performance in one more primary, say in a week, will eliminate *C* and *D*. Under the old system, the bosses correctly would have discounted *A* and *B*'s long-run strength. It is no accident that people keep complaining about the sorry alternatives in general elections.

So too, the influence of issue organizations on the political process between elections poses questions in much the same fashion as do referenda. Intermediate positions tend to get lost as choices between extremes are emphasized.

In truth, the great mass of our citizens, who depend upon the parties to serve as intermediaries, now have less power than ever. The destruction of the parties, the opening up of the process to control at strategic points by small groups, and the technicalities of the campaign finance laws have vastly increased the power of small groups and, yes, special interests.

Our capacity to govern has been deeply affected. Members of Congress, who run more as individuals than as members of a party, are even more inclined not to follow the lead of the White House, particularly when they are able to vote themselves perquisites, such as staff, offices, and free mailing privileges, which can be used as valuable campaign tools. A president who comes to office after a personal campaign that was not reliant on a party-structured coalition may come to office without a realistic agenda of issues. My colleague at Yale, Chris Arterton, has observed that Mr. Carter's statement (overstatement, in fact) that he was beholden to no group may well explain some of the confusion over what the real policies of his administration are.

V. WHITHER THE POLITICAL PROCESS

Alex Bickel was surely right when he warned us against sudden structural change and advised us that the accident of history may serve us better than the hand of conscious change.

The new politics gives encouragement to all kinds of oddities and demagogues to seek national power and the Presidency itself. In the 1950's it was the party system which ultimately crushed Joe McCarthy, because, however intensely his followers may have believed in him, a party organization could not accommodate such extremism within a coalition intended to appeal to the great mass of our citizenry. When he failed to moderate his conduct, the party itself was challenged and he was destroyed, even while his private constituency continued to support him. I quite frankly think that no such countervailing power exists today. McCarthy would have been a super fundraiser under the campaign finance laws and probably could have made a serious run at the Presidency. I do not doubt that he would have won every primary in which he faced more than one opponent. Failing to get nominated, he might well have been an effective third party candidate.

My pessimism is the result not only of this appraisal of where we stand, but also of my apprehension that the forces favoring the status quo are far more powerful than those who would return to the Madisonian system. Some of the reforms, such as those in campaign financing, favor the only people who can change them, namely, incumbents. Moreover, the restraints imposed by party organizations may well be distasteful to many office holders who prefer freedom of action. Many incumbents also gained their offices because their personality and political skills are well-suited to the new politics. Finally, the large issue organizations have a stake in their own power and thus necessarily regard party organizations as rivals.

Indeed, the changes in the political process that are more seriously pressed today would move us in exactly the wrong direction. Elimination of the electoral college would further damage, if not destroy, the two party system. Nationwide primaries would further weaken party organizations and increase the volatility of our politics.

If anything, the political establishment today is ranged against the party system. Consider the proposals for public financing of congressional campaigns. A bill known as the Common Cause Bill

was enthusiastically endorsed by the President, who urged its early passage. It was given the number H.R.1 by the House leadership. It provides that any candidate eligible for the ballot under state law is to receive federal campaign financing as soon as he or she raises their first \$1,000. Such legislation necessarily would encourage anyone who could not receive a major party nomination to run as an independent or third party candidate. In fact, because one can become eligible for the ballot in many places by petition while major party candidates must be nominated in a primary, independent candidates might receive federal financing considerably in advance of the party nominees.

What must be done, I think, is to return to local party organizations the power to determine the processes by which they select candidates and delegates to national conventions and to amend the FECA to make it easier to raise campaign money. Much of our present trouble came about when national rules governing the selection of delegates were adopted at the Democratic National Convention. State laws then followed which often affected the selection of nominees for other offices and the Republican Party as well. National rules are a mistake because they are frequently designed to do little more than to enhance the power of a particular faction at the next convention or to serve other transitory needs. Local parties must be strengthened if we are to have parties at all. We are too large and too diverse a nation to build parties from the top down.

What is at stake is nothing less than democratic government. If it fails here, it will fail everywhere. If it succeeds here, it has a future. We have in recent years shown little deference to our political traditions and institutions. Instead of recognizing that 200 years of even imperfect democracy marked by progress toward more civilized rule is a remarkable human achievement, we have adopted an attitude of unrestrained self-criticism that treats our society and our political system in a frivolous and petulant manner. History has harsh rewards for those who cannot acknowledge progress and who would carelessly abandon the hard-won gains of the past for the ephemeral promises of the unknown. I fear that we have hardly begun to pay the price.